

2. On May 10, 1984, I was hired as a Track Laborer by Southern Pacific Railroad. In late 1985, I became a Machine Operator. Prior to my promotion to Machine Operator, I passed the necessary qualification tests and received the appropriate certifications to operate Back hoes, loaders and tampers. I held that position until February 1992 when I left Southern Pacific.

3. I began my career with AMTRAK on September 29, 1998. From my date of hire to September 1999, I worked as an Assistant Conductor at the Oakland Crew Base. As Assistant Conductor, I was responsible for the safe operations of my assigned train, helping passengers on and off the train, and taking tickets.

4. For approximately a year, I worked as an Assistant Yard Conductor at the Oakland Crew Base. I bid into that position based on my seniority in the union - this was not a promotion. I did not submit any type of application and I was not interviewed for this position. More importantly, I did not receive a pay raise. I took a pay cut to work in the Oakland Yard as an Assistant Conductor. I loved my job and during a period of time when Amtrak was extremely short-staffed, I worked twenty-eight (28) days straight.

5. From 2000 up until my termination in August 2004, except for a one year stint in San Francisco, I worked as the Yard Conductor for the Oakland Yard. Again, I bid into that position based on my seniority in the union - this was not a promotion. I did not submit any type of application and I was not interviewed for this position. I obtained the position based solely on my union seniority.

6. In late 2002, I bid on and received the position of Work Train Conductor to work on a nine-month project called the Baby Bullet Project at the San Francisco Crew Base. This project was intended to bring high speed passenger train service to the Bay Area. It was a \$200,000,000 project which involved upgrading the tracks with new ties and new rails. I was in charge of delivering equipment to the various locations in the Yard. The project was successfully completed in early 2004. At that time, I returned to the Oakland Crew Base in my capacity as Yard Conductor.

7. During my tenure in San Francisco working on the Baby Bullet Project, I received numerous accolades, encouragement and appreciation from the front line supervisors. In

1 late 2003, sometime between October and December, I was “bumped” by another conductor with
2 more seniority. My supervisors placed me in a “quasi-official” or unofficial supervisor’s position in
3 order to keep me working on the project until it was completed.

4 8. As the Yard Conductor, I acted as the foreman for the crew on duty during my
5 shift. During any given shift, I supervised a crew of two, including an Assistant Conductor and an
6 Engineer. The physical area that was subject to my authority included all tracks in the Oakland
7 Crew Base, which was made up of nine (9) tracks. I was in charge of all of the moves involving a
8 train’s make-up or break-up that occurred inside the Oakland Crew Base’s yard. It was my
9 responsibility to oversee the crew to make sure they performed all of the duties on the Mechanical
10 Foreman’s switch list. These duties included turning and switching out trains—taking out bad cars
11 and putting in good ones—and all preventative maintenance, which includes fumigating cars and
12 taking engines to the diesel shops.

13 9. During my employment with Amtrak as a Conductor, I did not receive written
14 performance evaluations or reviews. I am aware that I was subjected to numerous proficiency tests
15 to see if I was in compliance with the rules, knew the rules or was operating safely. A proficiency
16 test is conducted when supervisors secretly observe your performance. I am aware of at least two
17 (2) proficiency tests in Oakland, and eleven (11) which were conducted in the San Francisco Yard.
18 To the best of my knowledge, I never failed a proficiency test.

19 10. On March 24, 2000, I was involved in an incident on the Yard where we
20 accidentally pulled some cables apart. The description of this incident on pp. 116-117 of my
21 deposition is different from the incident described on pp. 113-114 of my deposition. The incident in
22 March 2000 did not involve the derailment of a box car as suggested by Ms. Maylin. In her
23 questions, Ms. Maylin actually mixed the details from three (3) different incidents into one incident.
24 I was not involved in any derailment in March 2000. I correctly described this incident in my
25 deposition at pp. 121:8-123:11. (True and correct copies of pp. 121-123 of my deposition transcript
26 are attached hereto as Exhibit A.)

27 11. The March 2000 incident involved five (5) passenger cars; Liz Ohlman was the
28 Engineer. I was never told that the recommended decision for this incident was my termination. I

1 also do not recall ever actually receiving a Letter of Reprimand. Other than the statement at the end
2 of Exhibit 13, I have no reason to believe that a Letter of Reprimand was in my personnel file when
3 I applied for promotion to Engineer eighteen (18) months later in August 2001.

4 12. Almost two years later in January 2002, I was involved in an incident where a
5 boxcar derailed. In that incident, Bill Birkett was the Engineer. He ignored my instructions and
6 pushed the boxcar off the tracks. Mr. Birkett was not charged with any type of disciplinary action
7 as a result of the incident. Two months later, Mr. Birkett derailed two (2) passenger cars with a
8 hard joint. Following that incident, he was banned from the Yard and disqualified as an Engineer
9 Instructor.

10 13. Shortly after this derail, I had a conversation with Rich Barnes, a union
11 representative acting on my behalf, and my two supervisors, Gregg Baxter and Sid Birkett, about the
12 boxcar derailment incident. After I described the events leading up to the derailment, Messrs.
13 Baxter and Birkett agreed that it was the engineer's fault for not stopping the train in time. During
14 the conversation, Mr. Baxter said that he noticed I had applied for engine service. He suggested that
15 he would get me in the next engineer's class coming up if I took responsibility for the incident. Mr.
16 Baxter said, "We'll try to see what we can do in the next class." Because I believed Mr. Baxter was
17 going to get me into the next engineer's class, I agreed to take blame for the incident.

18 14. I did not receive a twenty (20) days suspension as a result of the boxcar
19 derailment in January 2002. The suspension imposed was supposed to be for ten (10) days. I
20 served four days, including two days of my regular days off, and was called back to work because
21 they were short-handed. I did not ever actually serve the remaining six (6) days of the suspension. I
22 also did not have another rules violation charge until July 2004.

23 15. In 2002, I switched my union membership from the United Transportation Union
24 (UTU) to the BLET (Brotherhood of Locomotive Engineers & Trainmen).

25 16. On July 24, 2004, I was involved in an incident where my assistant conductor
26 and engineer had a mis-communication resulting in a hard coupling. AMTRAK claims that my
27 actions in cutting out the air brakes were grounds for my termination. Up to that time, however,
28 cutting out the air brakes are a common practice on the Yard. Other Yard conductors who cut the

1 trucks out on a daily basis included Ray Clarke, Kevin Mayberry, Tim Sheridan, Cynthia Hubbard,
2 and Don Majers.

3 17. In the July 2004 incident, there was no damage to any equipment and no injury to
4 any personnel. The engine which rolled moved about twenty (20) feet at the speed of approximately
5 1 mile an hour on a dead end track. That part of the yard was completely flat and the engine did not
6 present a physical danger to anyone on the Yard. There were no crews or persons anywhere in the
7 vicinity at that time. Aside from the disruption in the relationship between the engineer and the
8 Assistant Conductor, our work that night was not impacted.

9 18. On the night of the incident, I was not questioned or made aware in any way that
10 evening that I would be charged with a rule violation for this incident. In fact, the Assistant
11 Conductor, Anthony Gillard, admitted to everyone present that the incident was caused by his error
12 and apologized to me and the engineer, Richard Barrow. Mr. Gillard totally accepted responsibility
13 for the incident. Mr. Gillard is Caucasian.

14 19. I have reviewed the Declaration of Paul Ho and his notes attached thereto. I was
15 never charged with the rule violation listed in Paul Ho's notes. I was never counseled or warned not
16 to move trains on the Yard by anyone.

17 20. During my employment, I interacted with Defendant Deely in a variety of
18 circumstances. At a safety meeting, Lou Bellotti, then the Assistant Superintendent, introduced me
19 and my crew members by name to Defendant Deely. I spoke to Defendant Deely on that occasion
20 and I don't recall if he spoke back to me. I was standing in front of him facing him within 5 feet.
21 After that introduction, while serving as the Yard Conductor, I called Defendant Deely on the
22 telephone and left messages for him on multiple occasions.

23 21. Since 1998, I have repeatedly been passed over for promotion to Engineer.
24 During my tenure with AMTRAK, I watched as people I trained when they were Assistant
25 Conductors under me were selected and promoted to Engineer service. They include Josh Kyles,
26 Brian Willson, Ken Powell, Jason Garman, Mike Poirier, Brice Carroll, Mike Yacovetti, Heidi
27 Snyder, and Frank Caron.

28 22. Since October 1998, based upon my review of the seniority roster, I counted

1 thirty-four (34) individuals whom AMTRAK has hired internally for engineer positions in the Bay
2 Area. Of those individuals, all of them are Caucasian except for Mr. Brice, who is multi-racial, and
3 Mr. Ly, who is Vietnamese. (A true and correct copy of the seniority roster for engineers as of
4 January 2006 is attached hereto as Exhibit B.)

5 23. I have a burning desire to be a Locomotive Engineer. In the early years of my
6 quest to become a Locomotive Engineer, I was only interested in local positions in Oakland because
7 my mother was sick and I was her primary caretaker. My Mom passed away in November 2002.
8 After that time, whenever I applied to engineer positions, my application was for any position in or
9 around the Bay Area, including San Jose and Sacramento.

10 24. In October 1998, I applied for a train engineer position based on the
11 recommendations of my supervisor, Mark Carl Schulties. I filled-out the application and returned it
12 to Mr. Schulties. Mr. Schulties later informed me that his boss, Mr. Oughton, tore up the
13 application. The reason Mr. Schulties gave me for Mr. Oughton tearing up my application was
14 because Mr. Oughton wanted me to work for AMTRAK for one full year prior to becoming an
15 engineer. Nonetheless, I applied again in 1999 because Mr. Shulties told me that the one-year rule
16 was not uniformly applied. My application was rejected again.

17 25. In 2000, I applied for a departmental transfer in response to an AMTRAK job
18 posting in engine service. According to AMTRAK procedure, I mailed and faxed a Transfer of
19 Departments Application to AMTRAK's Human Resources Department in Los Angeles. I received
20 a standard rejection letter in response. In 2000, five (5) white guys got promoted in the Oakland
21 crew base. All of them had less seniority than me.

22 26. On August 14, 2001, I applied for four (4) engineer positions that became
23 available in Oakland, including the Locomotive Engineer Trainee position. According to
24 AMTRAK procedure, I mailed and faxed my application to AMTRAK's human resources
25 department in Los Angeles. On August 23, 2001, Amtrak sent me a letter confirming receipt of my
26 applications. Sometime thereafter, I interviewed for the Locomotive Engineer Trainee position. I
27 interviewed with Richard Barnes, a Caucasian union representative and two Caucasian AMTRAK
28 engineers, Steve Shelton and Richard Edson. On January 25, 2002, I was informed that I had been

1 passed over for the position. The positions were all filled with five (5) Caucasian males. Of those
2 who were promoted, I trained Chad Skinner, Ken Powell and Robert Ward.

3 27. Sometime in 2002, I applied and was interviewed for an Engineer position. I
4 interviewed for that position the same week as Frank Caron. I was with Frank Caron the night that
5 he was notified that he had been promoted to engineer. At the time, he was working for me as my
6 Assistant Conductor on the Baby Bullet Project. Mr. Caron was hired shortly after I was hired.

7 28. In April 2003, I again applied for a train engineer position. According to
8 AMTRAK procedure, I faxed and mailed an AMTRAK Job Opportunity Application and my
9 résumé to AMTRAK's Human Resources department in Los Angeles. Each time I applied for
10 engine service, I used the same AMTRAK Job Opportunity Application form and followed the
11 same procedure, i.e., faxing and mailing. A sample of my annual submissions is attached as Exhibit
12 D to the Declaration of Paul Ho. My 2003 AMTRAK Job Opportunity Application clearly stated
13 that I was a current Amtrak employee. Only my résumé did not clearly indicate that I was an
14 Amtrak employee. I was never notified that I had been disqualified from the interview process
15 because of my resume. I believe that I was simply not scheduled for an interview.

16 29. Sometime during my assignment on the Baby Bullet project in 2003, I was
17 interviewed for an engineer position by Mark Collins, a supervisor, in San Jose. At that time, I
18 made it clear to management that I was interested in working outside of the Oakland Crew Base.

19 30. In May 2004, I again applied for an engineer position. According to AMTRAK
20 procedure, I faxed and mailed an AMTRAK Job Opportunity Application along with my résumé to
21 AMTRAK's Human Resources department in Los Angeles. Subsequently, AMTRAK's Human
22 Resources department contacted me to schedule an interview.

23 31. On July 7, 2004, I interviewed with Chad Skinner, Larry Follis, and Susan
24 Venturelli. During the interview, I described my experience as a Machine Operator with Southern
25 Pacific. I recall telling Mr. Follis that I had taken and passed the required tests to operate the
26 various machines. He did not ask if I had the certifications (which I do) and did not mention any
27 concerns to me about my duties at Southern Pacific.

28 32. Within days after the interview, Mr. Skinner called me on the radio while I was

1 working in the Yard and said, "You finally made it," in reference to the engineer position.

2 Approximately two weeks later, I received a rejection letter from AMTRAK in the mail informing
3 me that I did not get the position.

4 33. It is my understanding that in 2004, Amtrak promoted Brice Carroll, John
5 Hanson and Patrick Duncan for Engineer training for Oakland. I worked with both Messrs. Carroll
6 and Duncan. I trained Brice Carroll for two (2) months to be an Assistant Work Train Conductor.
7 In my deposition at pp. 55:24-56:3, I identified Brice Carroll as "Brice Howard" which is a name
8 that I have known him by when I worked with him.

9 34. I worked with Patrick Duncan for two years, during which time he was a
10 mechanical foreman. He would make common mistakes in repairing cars such as putting wrong
11 parts on passenger cars. I didn't know Mr. Hanson. I also do not believe that Moyse Howard
12 worked less time than me and was promoted to Engineer and I did not testify to any such fact.

13 35. On April 1, 2004, I sent an e-mail to Susan Venturelli in AMTRAK's human
14 resources department. In the e-mail, I complained about AMTRAK's racially discriminatory hiring
15 practices and AMTRAK's disparate treatment of African-Americans. I complained that AMTRAK
16 had passed me over five (5) times for promotion to an AMTRAK engineer position despite my
17 excellent service record because I was African-American. I also complained that AMTRAK had
18 not promoted a single African-American to engine service from 1998 to April 2004, the date that I
19 wrote and sent the e-mail. (A true and correct copy of my e-mail sent to Susan Venturelli on
20 April 1, 2004, is attached hereto as Exhibit 10.)

21 36. Sometime in April 2004, I received a phone call from Rickie Donofrio,
22 AMTRAK's Dispute Resolution Case Intake Coordinator, concerning the e-mail complaint. In that
23 phone conversation, I verbally restated my complaint concerning AMTRAK's racially
24 discriminatory employment practices.

25 37. On April 10, 2004, I left a voice mail message for Ms. Donofrio to inform her
26 that I had filed a complaint about AMTRAK's racially discriminatory employment practices with
27 the California Department of Fair Employment & Housing ("DFEH") and the U.S. Equal
28 Employment Opportunity Commission ("EEOC"). In the message, I also expressed to Ms.

1 Donofrio that I had filed the complaint because I was dissatisfied with AMTRAK's lack of response
2 to my internal complaints.

3 38. On April 21, 2004, AMTRAK sent me a letter informing me that the Dispute
4 Resolution Office (DRO) of AMTRAK's Business Delivery Department had received a copy of my
5 e-mail complaint about AMTRAK's racially discriminatory employment practices but that it would
6 not be investigating my complaint. The letter stated that the "DRO will not be looking into your
7 concerns" because I took my "concerns to the EEOC." The letter further stated that AMTRAK was
8 taking this position despite the fact that "the DRO is responsible for addressing and resolving
9 internal complaints of discrimination, harassment . . . , and unfair treatment on the basis of race,
10 color . . . or other protected group status." Instead of a response to my complaint, Ms. Donofrio
11 sent me a letter of counseling. (A true and correct copy of Ms. Donofrio's response is attached
12 hereto as Exhibit 9.)

13 39. On August 6, 2004, I was formally charged with a variety of rules violations
14 arising out of the incident on July 24, 2004. (A true and correct copy of the Notice of Investigation
15 is attached hereto as Exhibit 25A.) On September 17, 2004, AMTRAK terminated my
16 employment.

17 40. Within a year of my termination, on August 17, 2005, I filed a Charge of
18 Discrimination with the Department of Fair Employment and Housing for race discrimination and
19 retaliation. In my Charge, I identified Defendant Deely as the discriminating official. (A true and
20 correct copy of my August 2005 charge is attached hereto as Exhibit 5.)

21 41. On November 23, 2005, I requested a copy of my personnel file from AMTRAK.
22 The documents provided to me by Barbara Hanna of AMTRAK's Human Resources office on
23 December 7, 2005 do not include any Letter of Reprimand referred to in the document marked as
24 Exhibit 13 to my deposition. I do not actually recall ever seeing a Letter of Reprimand in
25 connection with that incident.

26 I declare under penalty of perjury under the laws of the United States that the foregoing
27 is true and correct. If called as a witness, I could and would testify to the foregoing based upon my
28 personal knowledge.

Executed on May 1, 2007, at Oakland, California.



JOHN EARL CAMPBELL

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DECLARATION OF JOHN EARL CAMPBELL (C05-5434 MJJ (EDL))

Campbell v. Amtrak
U. S. District Court Case No. C05-5434 MJJ (EDL)

INDEX TO EXHIBITS TO JOHN EARL CAMPBELL DECLARATION
OPPOSITION TO MOTION FOR SUMMARY JUDGMENT

<u>No.</u>	<u>DATE:</u>	<u>DESCRIPTION:</u>
A	2/26/07	John Campbell Deposition - pp. 121-123
B	1/06	Seniority roster for Engineers
5	8/17/05	Charge of Discrimination (DFEH)
9	4/21/04	Ms. Donofrio's letter of counseling & response to John E. Campbell's Internal Discrimination Complaint
10	4/1/04	E-mail from John Campbell to Susan Venturelli
25B	8/6/04	Notice of Formal Investigation - Case No. 386.04

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

---oOo---

JOHN EARL CAMPBELL,)
)
Plaintiff,)
)
vs.) No. C05-05434 MJJ
)
NATIONAL RAILROAD PASSENGER)
CORPORATION dba AMTRAK, JOE)
DEELY and DOES 1 through 15.)
inclusive,)
)
Defendants.)

CERTIFIED COPY

JG Jane GROSSMAN
RS REPORTING Services

DEPOSITION OF JOHN EARL CAMPBELL

February 26, 2007

Taken by SHARON TRUJILLO

CSR No. 6120

JANE GROSSMAN REPORTING SERVICES
1939 Harrison Street, Suite 460
Oakland, California 94612
510.444.4500

EXHIBIT A

DEPOSITION OF JOHN EARL CAMPBELL

1 A. Yes.

2 Q. Okay. Well, sir, don't guess. Do you
3 remember that the union appealed for you?

4 A. Yes. 02:54:06

5 Q. All right. And do you recall that in January
6 2003, the law board upheld the suspension?

7 A. Yes.

8 Q. Okay. By the way, sir, could you explain that
9 first incident that we talked about in 2000, where there 02:54:39
10 was damage, equipment was damaged, and that it wasn't
11 reported? What actually occurred then?

12 A. Oh, this one (indicating)?

13 Q. Yeah.

14 A. Okay. The cars have electrical cables on 02:54:54
15 them, the passenger cars, and when we moved the car, the
16 electrical cable was still hooked to the ground power,
17 which is the power coming from the -- the house, you
18 know, the PG&E power, basically. The mechanical
19 problem -- the mechanical department is supposed to 02:55:14
20 unhook that for us and then put a blue man-at-work flag
21 off. They took the men-at-work flag off, but they
22 didn't unhook it. So when I saw that -- the men-at-work
23 flag off, that tells me it's okay to pull, so I pulled
24 it out and the cables was still pulled (sic) and pulled 02:55:30
25 them all out. So the mechanical half did their job, and

DEPOSITION OF JOHN EARL CAMPBELL

1 I got blamed for it. Simple as that.

2 Q. Okay. Well -- and then you didn't report the
3 damage, right?

4 A. I didn't know it was damaged until somebody
5 came and told me.

02:55:47

6 Q. Okay. Well, how did you know that the crew
7 hadn't done -- the electrical crew hadn't done their job
8 with the flag, though?

9 A. At the end of the shift they told me the car
10 was damaged, after I had pulled it out and re-spotted,
11 getting ready to go home. They said, oh, those cables
12 were pulled out.

02:55:58

13 I said, "What?"

14 They said, "Yeah." They were still hooked up,
15 so that's how I knew. It was like three hours later.

02:56:12

16 Q. Okay. So it was the delay in the three hours
17 of non-reporting?

18 A. Yeah.

19 MS. PRICE: Objection. Vague.

02:56:20

20 MS. MAYLIN: Q. When was it -- when was it
21 reported, as far as you can recall?

22 A. They reported it to their supervisor, and then
23 they -- their supervisor told me, and I wrote up a
24 report.

02:56:35

25 Q. Okay. As part of the yard conductor protocol,

1 though, sir, shouldn't you have gone back and checked
2 yourself, regardless of the flag?

3 MS. PRICE: Objection. Vague and ambiguous as
4 to the "yard conductor protocol," something;
5 unintelligible.

02:56:54

6 THE WITNESS: That's true.

7 MS. MAYLIN: Q. Okay. And after that, I bet
8 you double-checked to make sure, right?

9 A. For the record, my A/C did the move. I was
10 standing at the switch so -- but like earlier, I'm in
11 charge, so I get the blame, but I chewed him out.

02:57:08

12 (Whereupon, Defendants' Exhibit No.
13 14 was marked for identification.)

14 MS. MAYLIN: Q. All right. What I've marked
15 now is -- I think we're back to the '02 incident. I've
16 marked as Exhibit 14 -- well, it is -- here we go.

02:57:18

17 March 28, 2002. There you go -- a letter addressed to
18 you, Mr. Campbell, where it details the charges that
19 we've already talked about on the record here. And the
20 bottom line is that a boxcar became derailed. You
21 received this letter, sir?

02:58:00

22 A. Yes.

23 Q. Okay. And the hearing officer of the Western
24 Region, Roger Butler, found you guilty of the charges,
25 correct?

02:58:18

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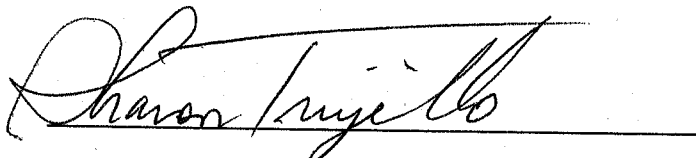
CERTIFICATE OF REPORTER

I, SHARON TRUJILLO, a Certified Shorthand Reporter, hereby certify that the witness in the foregoing deposition was by me duly sworn to tell the truth, the whole truth, and nothing but the truth in the within-entitled cause;

That said deposition was taken in shorthand by me, a disinterested person, at the time and place therein stated, and that the testimony of the said witness was thereafter reduced to typewriting, by computer, under my direction and supervision;

I further certify that I am not of counsel or attorney for either or any of the parties to the said deposition, nor in any way interested in the event of this cause, and that I am not related to any of the parties thereto.

Dated: March 7, 2007



SHARON TRUJILLO, CSR No. 6120

2006 Engineers National Roster Issue 1-21-06

Number	Name	Entered Service	Zone	Prior RR	Prior Rights	Original Zone	Status
1051	HICKS, F.	11/5/1999		9			
1052	BROWN, L. V.	12/3/1999		2			
1053	FERRARO, D.	12/3/1999		2			
1054	BOSAK, T. A.	12/3/1999		1			
1055	TAFT, C.	12/3/1999		1			
1056	COVINGTON, J.	12/3/1999		1			
1057	MALONEY, M. J.	12/3/1999		1			
1058	GESEK, L.	12/3/1999		2			
1059	GUYTON, M.	12/3/1999		2			
1060	ROHLFING, M. P.	12/3/1999		2			
1061	HAIKIN, G.	12/3/1999		1			
1062	SERFESS, J. F.	12/3/1999		2			
1063	WESTER, D.	12/30/1999	CS2				
1064	SKELTON, R.	1/3/2000	6				
1065	WALTERS, L. S.	2/14/2000	4				
1066	LAMPRINAKOS, W.	2/18/2000	5				
1067	BIEK, M. T.	2/18/2000	2				
1068	CHILDROSE, D.	2/18/2000	3				
1069	ROSS, M. E.	2/18/2000	3				
1070	BOLK, G. L.	2/18/2000	3				
1071	VITEK, L.	2/22/2000	8				
1072	ROSS, P. R.	2/22/2000	8				MGM
1073	DOYE, D.	2/22/2000	8				
1074	PREUSSER, P. D.	2/28/2000	12				
1075	BRAUCHLE, K.	3/8/2000	10				MGM
1076	STANDIFER, J.	3/10/2000	12				
1077	JAEGER, M.	3/10/2000	CS2				
1078	STRUBE, J. R.	3/10/2000	7				
1079	SUTTON, W. L.	3/10/2000	4				
1080	NAGRA, J.	3/10/2000	9				
1081	GOOSTREE, T. F.	3/10/2000	CS2				
1082	MILLER, C. T.	3/18/2000	CS2				
1083	KERN, B.	3/10/2000	8				MGM

EXHIBIT B

1085	SELTZER, B.	4/1/2000	3	CRRR	F	2	
1086	WEISEL, C.	4/1/2000	2	CRRR	F	2	
1087	LATHBURY, R. A.	4/1/2000	2	CRRR	F	2	
1088	DURBOROW, J. P.	4/1/2000	2	CRRR	F	2	
1089	FREY, B.	4/1/2000	2	CRRR	F	2	
1090	PENN, M. W.	4/1/2000	2	CRRR	F	2	
1091	GERHARDT, O.	4/5/2000	4				LOA
1092	OHMAN, E. A.	5/19/2000	12				
1093	JOHNSON, T. P.	5/22/2000	10				MGM
1094	KRYNICKI, P.	5/26/2000	1				MGM
1095	HINKSON, B.	5/26/2000	2				
1096	SINGLETON, C.	5/26/2000	2				
1097	CONYERS, D.	5/26/2000	2				
1098	TROMBLAY, D. E.	5/26/2000	2				
1099	DABNEY, A. C.	5/26/2000	3				
1100	SIEGMUND, K.	5/26/2000	1				

22 of 29

JOHN CAMPBELL VS. AMTRAN

THE NAMES WITH A CHECK BYR THEN

ARE THE PEOPLE WITH LESS SENIORITY AND/OR

EXPERIENCE THAT HAVE BEEN PROMOTED TO

ENGINE SERVICE. AND OAKLAND ONLY.

05-2-06

2006 Engineers National Roster Issue ' 1-21-06

Number	Name	Entered Service	Zone	Prior RR	Prior Rights	Original Zone	Status
1151	SLOAN, D. L.	10/2/2000	2				
1152	CALLOW, W. T.	10/27/2000	1				
1153	GLIBA, T. G.	10/27/2000	2				
1154	CALDAS, M. V.	10/27/2000	2				
1155	ELLIS, K. M.	10/27/2000	1				
1156	MAROWELLI, L. K.	11/3/2000	2				
1157	WOOD, A. C.	11/3/2000	5				
1158	CERVANTES, F.	11/3/2000	11				MGM
1159	MCLAUCHLIN, S. L.	11/3/2000	12				
1160	MILBURN, D. A.	11/3/2000	9A				
1161	KYLES, J. R.	11/3/2000	12				
1162	SANTOS, G. B.	11/3/2000	12				
1163	WILSON, B.	11/3/2000	12				
1164	WATERHOUSE, J.	1/8/2001	12				LOA
1165	TUNGETT, R. E.	1/17/2001	9				
1166	WATTS, R. K.	1/22/2001	5				
1167	LUPO, G.	2/23/2001	2				
1168	DREWES, K. A.	2/23/2001	1				
1169	ZEPPENFELD, R.	2/23/2001	1				
1170	WELLS, T. A.	2/23/2001	1				
1171	PHILLIPS, R.	2/23/2001	3				
1172	SARNO, S.	2/23/2001	1				
1173	MARTINEZ, N.	2/23/2001	2				
1174	SIZER, B. K.	2/23/2001	1				
1175	STUPKA, G. M.	3/2/2001	4				
1176	HALL, S.	3/2/2001	12				
1177	LECONA, S.	3/2/2001	4				
1178	FERRER, M.	3/2/2001	8				TRN
1179	WARD, R.	3/2/2001	CS2				
1180	SKINNER, C. M.	3/2/2001	12				
1181	POWELL, K.	3/2/2001	12				
1182	EVANS, T.	3/2/2001	10				
1183	GIDDINGS, W.	3/19/2001	12				
1184	LIND, B. C.	4/1/2001	2	CRRR	F	2	
1185	PEARSON, J. L.	4/5/2001	9A				
1186	LANGE, A. M.	4/5/2001	9				
1187	BROWN, W. E.	9/27/2001	5	CSXR	Y	5	
1188	PACK, E. S.	9/27/2001	5	CSXR	Y	5	
1189	BABER, S. C.	9/27/2001	5	CSXR	Y	5	
1190	HENSLEY, T. R.	9/27/2001	5	CSXR	Y	5	
1191	JOHNSON, D. L.	9/27/2001	5	CSXR	Y	5	MGM
1192	MAWYER, J. W.	9/27/2001	5	CSXR	Y	5	
1193	TOLBER, T. S.	9/27/2001	4	CSXR	Y	5	
1194	BILL, L. G.	10/1/2001	2	CRRR	F	2	
1195	BABIN, W. F.	10/15/2001	1			CS1	
1196	MCDOWELL, K.	10/22/2001	1			CS1	
1197	WORKMAN, H.	2/12/2002	5	CSXR	Y	5	
1198	ONISKO, A. J.	2/28/2002	12				
1199	GREGORY, W.	4/1/2002	1	CRRR	F	1	MGM
1200	MORECRAFT, W. T.	4/1/2002	2				

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Number	Name	Entered Service	Zone	Prior RR	Prior Rights	Original Zone	Status
1201	CANO, C. A.	4/12/2002	CS2				
1202	KLITZING, D. W.	4/12/2002	12				
1203	HOLLEY, D.	4/12/2002	CS2				
1204	HOBART, V. E.	4/12/2002	CS2				
1205	SINGER, M. D.	5/31/2002	2				
1206	O'BRIEN, D. J.	5/31/2002	1				
1207	DANNER, D.	5/31/2002	2				
1208	GILLIS, D. R.	5/31/2002	1				
1209	STRONG, S.	5/31/2002	2				
1210	KALTENSTEIN, B.	5/31/2002	2				MGM
1211	WISTUBA, V. E.	5/31/2002	2				MLA
1212	DARCY, P. W.	5/31/2002	1				
1213	HOWELL, B. W.	5/31/2002	2				
1214	NORTHINGTON, E. B.	7/22/2002	12				
1215	HANSON, K.	7/24/2002	3			12	MGM
1216	TANSEY, G. M.	10/1/2002	2	CRRR	F	2	
1217	LOWE, D. B.	10/1/2002	1	CRRR	F	1	
1218	ARTIS, W. W.	11/4/2002	5				
1219	HASENBECK, C. E.	11/18/2002	10				
1220	PUGH, J. D.	11/25/2002	11				
1221	FRAZIER, D.	11/25/2002	11				
1222	BAYLEY, M. A.	11/26/2002	3				
1223	SELL, D. G.	11/26/2002	12				
1224	PAGE, K.	11/27/2002	1				
1225	BONCAL, K. A.	11/27/2002	3				
1226	TAYLOR, R.	11/27/2002	6				
1227	CUTMORE, D. B.	12/26/2002	6				
1228	BOOKER, D. L.	2/21/2003	CS2				MLA
1229	CARON, F. J.	2/21/2003	CS2				
1230	ARIAS, P. H.	2/21/2003	CS2				
1231	JENECKE, M. C.	2/21/2003	CS2				
1232	HILLYGUS, P. A.	2/21/2003	11				
1233	WILBUR, D.	2/21/2003	11				
1234	WARD, J. W.	2/21/2003	CS2				
1235	HAGGERTY, P. M.	2/21/2003	12				
1236	BUCHANAN, M. E.	2/21/2003	CS2				
1237	LACY, J. B.	2/21/2003	9				
1238	GRAS, C. J.	2/21/2003	9				
1239	JETER, A.	3/17/2003	8			5	
1240	SOUTHWELL, E.	3/17/2003	2			5	
1241	ANDREWS, W. R.	5/12/2003	9				
1242	CLARK, T. T.	6/27/2003	9				
1243	HOLLINGSWORTH, T. F.	6/27/2003	9				
1244	RICCIARDI, G. J.	9/5/2003	3				
1245	BARRY, J. W.	9/5/2003	3				
1246	BUTLER, D. E.	9/5/2003	3				
1247	CATALDO, S.	9/5/2003	3				
1248	FUNK, J. W.	10/1/2003	2	CRRR	F	2	
1249	GALLAGHER, B. P.	10/2/2003	3				
1250	MARTIN, K. C.	10/9/2003	2				

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Number	Name	Entered Service	Zone	Prior RR	Prior Rights	Original Zone	Status
1251	FOSTER, M. E.	10/10/2003					2
1252	SZENTPETERY, L.	10/10/2003					2
1253	BAXTER, J.	10/20/2003					2
1254	OSTROWSKI, S. K.	11/18/2003					3
1255	CARUSO, F.	12/5/2003					2
1256	CRUZ, C.	12/5/2003					2
1257	GORZELL, A.	12/5/2003					9A
1258	HENSON, A.	12/5/2003					2
1259	PEMBERTON, K.	12/5/2003					1
1260	FROMMER, M. J.	12/5/2003					2
1261	HARTIG, D. R.	12/5/2003					2
1262	MORAN, S.	12/5/2003					2
1263	NEIL, R.	12/5/2003					2
1264	COLLIERE, P.	12/5/2003					2
1265	DAWSON, W.	12/5/2003					2
1266	BURMEISTER, P.	12/5/2003					12
1267	GREER, B.	12/8/2003					12
1268	MARTY, K.	12/8/2003					CS2
1269	MEYST, S.	12/8/2003					12
1270	WILSON, C. A.	12/10/2003					2
1271	HALL, D. L.	12/19/2003					5
1272	SHOEMAKER, J. B.	12/31/2003					5
1273	HAWK, W.	1/7/2004					3
1274	HENNE, B. A.	1/12/2004					2
1275	AMARU, C. S.	1/12/2004					1
1276	GARMAN, J.	1/12/2004					12
1277	POIRIER, M. J.	1/12/2004					12
1278	EIERMAN, J. D.	1/12/2004					2
1279	MININNI, M. A.	1/12/2004					3
1280	REIDY, M. P.	1/12/2004					11
1281	RICHARDSON, C. R.	1/12/2004					1
1282	HURST, R.	1/22/2004					6
1283	PADILLA, M.	1/26/2004					6
1284	PIERGOSI, R.	2/9/2004					1
1285	COLEMAN, R.	2/10/2004					5
1286	GRIMES, R.	2/11/2004					6
1287	ROY, A.	2/16/2004					11
1288	DENNY, B.	2/17/2004					8
1289	WILSON, F.	2/18/2004					11
1290	CHENEY, D.	2/23/2004					10
1291	LONG, J. C.	3/20/2004					2
1292	SPEARMAN, C. A.	3/20/2004					2
1293	JOHNSON, S. L.	3/29/2004					9A
1294	MCENTIRE, J. P.	5/6/2004					12
1295	GOBEL, A. B.	5/10/2004					12
1296	NASSER, R. G.	5/11/2004					5
1297	SMITH, A.	5/14/2004					12
1298	TYLER, B. C.	5/14/2004					4
1299	GRAY, T. A.	5/14/2004					4
1300	WHITE, J. P.	5/14/2004					8

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Number	Name	Entered Service	Zone	Prior RR	Prior Rights	Original Zone	Status
1301	FACTEAU, K.	5/14/2004	10				TRN
1302	CAUDILL, M.	5/14/2004	12				
1303	WHITLOW, D.	5/14/2004	5				
1304	CASKEY, T.	5/14/2004	10				
1305	KAMINKOW, R. E.	5/14/2004	4				
1306	WILSON, R. A.	5/22/2004	5				
1307	MCKEOWN, T.	7/9/2004	10				
1308	CLARK, M. K.	7/9/2004	1				
1309	THOMPSON, M. K.	7/9/2004	10				
1310	EDWARDS, S.	7/9/2004	1				
1311	EVANS, N. J.	7/9/2004	2				
1312	WHITMAN, S.	7/9/2004	2				
1313	DAWSON, J. P.	8/9/2004	2				
1314	COLE, J. D.	8/10/2004	2				
1315	MORRISON, B. G.	8/11/2004	6				FUR
1316	MARSHALL, A. W.	8/11/2004	6				
1317	DE VILLE, D.	8/19/2004	12				
1318	MAGILL, D. T.	9/7/2004	3				
1319	MASTERS, S.	9/7/2004	2				
1320	CRANSTON, G. E.	9/7/2004	3				
1321	HARRIGAN, C.	9/9/2004	5				
1322	DUNCAN, P.	9/24/2004	12				
1323	RUIZ, J.	9/24/2004	12				
1324	LY, T.	9/24/2004	12				
1325	MEYER, G. L.	9/24/2004	5				
1326	CRAWLEY, J. M.	9/24/2004	9A				
1327	SOLIMINE, G.	9/24/2004	CS2				
1328	YACOVETTI, M. J.	9/24/2004	12				
1329	FLIPPO, T. L.	9/24/2004	CS2				
1330	DUVALL, W. M.	9/24/2004	12				
1331	SNYDER, H. J.	9/24/2004	12				
1332	CARROLL, B.	9/24/2004	12				
1333	CONWAY, J. B.	10/1/2004	2	CRRR	F	2	
1334	PADOVANO, A. R.	10/1/2004	2	CRRR	F	2	
1335	STUMPF, E. A.	11/19/2004	12				
1336	LU, X.	11/19/2004	12				
1337	FLOTTE, U.	11/19/2004	12				
1338	FLOTTE, B.	11/19/2004	12				
1339	GALLO, D.	11/19/2004	CS2				
1340	PELAEZ, A.	11/19/2004	12				
1341	HIVALA, J. L.	11/19/2004	7				TRN
1342	MILLER, C. R.	12/22/2004	3				
1343	NEWHARD, C. A.	12/22/2004	2				
1344	TOLBERT, T. E.	12/23/2004	12				
1345	GROSS, E. L.	12/23/2004	12				
1346	POWELL, J.	1/3/2005	2				
1347	VINCENT, G.	1/10/2005	5				
1348	DILLON, D. T.	2/18/2005	3				
1349	HACKLEY, J. W.	2/18/2005	2				
1350	MACKINNON, J. C.	2/18/2005	12				

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Number	Name	Entered Service	Zone	Prior RR	Prior Rights	Original Zone	Status
1401	CARROLL, R. J.	12/20/2005	3				
1402	ANDERSON, C. A.	12/20/2005	5				
1403	REED, T. A.	12/28/2005	6			5	
1404	GEHRING, S. M.	2/24/2006	4				
1405	WEST, D.	2/24/2006	12				
1406	RUTH, W.	2/24/2006	4				
1407	BURRALL, J.	2/24/2006	11				
1408	DAPPA, S.	2/24/2006	11				
1409	LEWIS, A.	2/24/2006	4				
1410	HEWITT, T.	2/24/2006	4				
1411	COMPORATO, A.	2/24/2006	12				
1412	ROUNDS, M.	2/24/2006	12				
1413	EDWARDS, R.	2/24/2006	12				
1414	SADORRA, B. P.	2/24/2006	11				
1415	GIBSON, R.	2/24/2006	4				

*** EMPLOYMENT ***

COMPLAINT OF DISCRIMINATION UNDER
THE PROVISIONS OF THE CALIFORNIA
FAIR EMPLOYMENT AND HOUSING ACT

DEFEH #

E-200506-M-0250-00-c

DEFEH USE ONLY

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

YOUR NAME (Indicate Mr. or Ms.)

John Earl Campbell

TELEPHONE NUMBER (INCLUDE AREA CODE)

510-652-4266

ADDRESS

2210 109TH AVE.

CITY/STATE/ZIP

OAKLAND CA 94603

COUNTY

COUNTY CODE

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP
COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

AMTRAK

TELEPHONE NUMBER (Include Area Code)

ADDRESS

5040 WATER ST.

5TH FLOOR

DEFEH USE ONLY

CITY/STATE/ZIP

OAKLAND CA

COUNTY

COUNTY CODE

NUMBER OF EMPLOYEES/MEMBERS (if known)

DATE MOST RECENT OR CONTINUING DISCRIMINATION
TOOK PLACE (month, day, and year)

RESPONDENT CODE

SPECIAL PARTICULARS ARE:

On SEPT. 17, 2004 I was☒ fired☐ laid off☐ demoted☐ harassed☐ genetic characteristics testing☐ forced to quit☐ denied employment☐ denied promotion☐ denied transfer☐ denied accommodation☐ impermissible non-job-related inquiry☐ other (specify)☐ denied family or medical leave☐ denied pregnancy leave☐ denied equal pay☐ denied right to wear pants☐ denied pregnancy accommodation

JOE DEELY

Name of Person

Division Supt.

Job Title (supervisor/manager/personnel director/etc.)

Because of my:

☐ sex☐ age☐ religion☒ race/color☐ national origin/ancestry☐ marital status☐ sexual orientation☐ association☐ physical disability☐ mental disability☐ other (specify)☐ cancer☐ genetic characteristic

(Circle one) filing;

Protesting; participating in
investigation (retaliation for)

A reason given by

JOE DEELY - Division Supt.

Name of Person and Job Title

Was
because of
please state
that you
believe to be
reason(s)RETRALIATION FOR FILING AN EEOC DISCRIMINATION
COMPLAIN AGAINST AMTRAK FOR NOT PROMOTING

BLACKS TO THE ENGINEER POSITION IN OAKLAND

In order to pursue this matter in court, I hereby request that the Department of Fair Employment and Housing provide a right-to-sue notice. I understand that if I
receive a federal notice of right-to-sue, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the
H "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair
Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to
matters stated on my information and belief, and as to those matters I believe it to be true.

8-16-05

OAKLAND

City

COMPLAINANT'S SIGNATURE

John Earl Campbell

EXHIBIT	PAT 5	for identification
WITNESS:	JOE CAMPBELL	
DATE:	2-26-07	
SHARON TRUJILLO, CSR #120		

DATE FILED:

AUG 17 2005

000015

4-306-03 (01/05)

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

EMPLOYER

STATE OF CALIFORNIA

NATIONAL RAILROAD PASSENGER CORPORATION

810 North Alameda Street, Los Angeles, CA 90012

April 21, 2004

John E. Campbell
2210 109th Avenue
Oakland, CA 94603



Dear Mr. Campbell:

On April 2, 2004, the Dispute Resolution Office (DRO) of Amtrak's Business Diversity Department received a copy of the e-mail you sent Human Resources Officer Susan Venturelli, complaining that you had been passed over five times for engine service and that no African-Americans had been promoted to engine service since 1998. Your e-mail address read, "ThongLickerOne The Real BIGNASTY [mailto:johnny468@webtv.net]."

This letter will serve two purposes. One, it will serve as a letter of counseling regarding the sending of a vulgar and inappropriate e-mail address through the corporate e-mail system. Second, it will explain why the DRO will not be investigating your complaints.

On April 9, 2004, I contacted you at your home to discuss your e-mail communication with Amtrak. In addition to addressing your concerns, I first had an obligation to advise you that the e-mail address you used was inappropriate for business transactions. After I identified myself, I first addressed the e-mail title. You told me that the e-mail address "is just a joke" and that you have been using this same e-mail address for six years. I attempted to explain why it was inappropriate and a violation of Amtrak's Harassment Policy, when you interrupted me and said, "let's get on to what you're really calling me for." I again attempted to explain, as was my obligation, why the transmission of your e-mail title via the Amtrak internet system was considered vulgar and inappropriate pursuant to the Amtrak Harassment Policy, however, you again interrupted me, saying, "yeah, yeah, but let's get to why you're really calling." Once again I tried to address the first issue that of your e-mail address title, but you repeated said, "let's get to why you're really calling." At this point, I informed you that you would be receiving a counseling letter from the DRO regarding the e-mail.

Accordingly, this counseling letter is being sent to inform you that Amtrak strictly prohibits employees from sending e-mails that are sexually suggestive or otherwise offensive or demeaning toward any group of people because of that group's gender, race, color, religion, national origin, age, disability, veteran's status, sexual orientation or other characteristic protected by law. The use of the phrase "ThongLickerOne The Real BIGNASTY" in a communication sent through the corporate e-mail system is vulgar, improper and a violation of Amtrak's Harassment Policy. Sending such an e-mail violates Amtrak's Harassment Policy, and may also violate Amtrak's Corporate E-Mail policy and may subject you to disciplinary action under either or both of those policies. Therefore, be advised that in the future, when communicating with Amtrak, please follow the Harassment Policy and avoid the use of derogatory, demeaning, and sexually referenced syntax. Furthermore, be advised that if in the future you are found to be in

EXHIBIT	9	for Identification
	J. Campbell	
WITNESS:	2-26-07	SHARON TRUJILLO, CSR 6120
DATE		

D10539

violation of this policy, you may be disciplined up to and including termination. I am attaching a copy of Amtrak's Harassment Policy. Please review it and familiarize yourself with it.



Notwithstanding the above, my primary reason for my initial call to you, was to inquire about your concerns that you have been passed over five times for engine service and your allegation that no African-Americans had been promoted to engine service since 1998. You explained that you had first applied for engine service in 1999, and that your former supervisor Tom Oughton tore up your application. You also told me that four months ago you applied for engine service and that you were neither interviewed, nor did you receive a letter from the Human Resource Department regarding your application. You said that two Caucasians (James Garman and Mike Poitier) were selected for the positions. During our conversation, you also alleged that there have not been any African-Americans promoted to engine service since 1998. You said, "they pick out minorities just to meet their quota and then that person flunks out." You then said, "I'm not getting no damn job." You used the word "damn" on at least two separate occasions during this explanation. I advised you that it was not necessary for you to use the word "damn." At that point, you told me that that you were "not getting anywhere" with me. You said, "So let's talk to EEO lawyers. Goodbye." and you hung up. On April 10, 2004, you left me a voice mail message. In your voice mail message you stated that "since you could not have a civilized conversation with me," you were directing me to contact Martin Sheer (510-637-3240) with the EEOC in Oakland. You also indicated that in the future I should direct any "e-mail, certified letter, or smoke signal or anything" to Mr. Sheer. You said, "you can explain to him why my six year old e-mail address and me charging the company with harassment is all of a sudden [sic] coincident." You said, "then he can explain to you what harassment and wrongful termination means. I [have]...spent enough oxygen over this. Have a nice day."

In summary, although the DRO is responsible for addressing and resolving internal complaints of discrimination, harassment (including sexual harassment), and unfair treatment on the basis of race, color, national origin, sex, age, religion, disability, veteran status, sexual orientation or other protected group status, since you informed the DRO that you have taken your concerns to the EEOC, the DRO will not be looking you're your concerns.

If you have any questions regarding this letter, please feel free to contact me at (213) 683-6822.

Sincerely,

Rickie Donofrio

Rickie Donofrio

Case Intake Coordinator

cc: Dawn P. Marcelle, Senior Director for Dispute Resolution
Susan Brooks, Dispute Resolution Officer

D10540

Venturelli, Susan

To: ThongLickerOne The Real BIGNA\$TY
Subject: RE: hiring from within.

-----Original Message-----

From: ThongLickerOne The Real BIGNA\$TY [mailto:johnny468@webtv.net]
Sent: Thursday, April 01, 2004 8:20 PM
To: sventure@amtrak.com
Subject: hiring from within.

dear susan my name is john campbell & i'am a conductor in the
oakland crewbase. being a employee with a damn good record & someone who
has been passed over 5 times for engine maybe you can tell me what's the
secret to becoming an amtrak engineer? this is 2004 & no
african-american has been promoted to engine service since 1998 & the
oakland crewbase is just a coincident. if you can give me a good answer
too this simple question before april 9 (the closing date for the
engineer's position) i will call off the EEOC dogs. have a safe day.

LIFE-LIVE IT DAY-TO-DAY & ENJOY EVERY MOMENT; UNTIL GOD ASK YOU FOR A
FAVOR.

[http://community.webtv.net/ JOHN CAMPBELL'S "A BETTER YESTERDAY"](http://community.webtv.net/JOHN_CAMPBELL'S_A_BETTER_YESTERDAY)

DOH: 4/30/98 AC

EXHIBIT	10	for identification
WITNESS:	J. Campbell	
DATE:	2-26-07	
SHARON TRUJILLO, CSR 6120		

D10209

Notice of Formal Investigation

Fed Ex Tracking # 7927 0272 0838

Signature Required

EX-1

August 6, 2004

Mr. John Campbell
2210 109th Avenue
Oakland, CA 94603

Case No. 386.04

Dear Mr. Campbell:

You are hereby directed to appear for a Formal Investigation to be conducted as follows:

Date: August 10, 2004
Time: 2:00 PM
Location: Amtrak's Jack London Station
245 2nd Street, 2nd Floor
Oakland, CA 94607

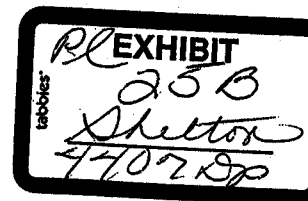
The purpose of this investigation is to develop the facts and determine your responsibility, if any, in connection with the following:

Charge 1: Your alleged violation of Amtrak's Service Standards for Train Service Employees – Manual No. 2 (effective 5/3/2004) – Chapter 3B - Safety Rules for Train Service Employees - Rule 5800 - Coupling or Uncoupling Engine or Cars, which reads

"Prior to going on, under or between standing equipment for the purpose of coupling or uncoupling engines or cars, crewmembers must:

- Discuss safety matters and work to be performed.
- Communicate before action is taken.
- Protect against moving equipment.
- Secure equipment before action is taken.
- Mentor less experienced employees to perform service safely."

Charge 2: Your alleged violation of General Code of Operating Rules-Fourth Edition - April 2, 2000-Rule 7.1 - Switching Safely and Efficiently, which reads in part... "While switching, employees must work safely and efficiently and avoid damage to contents of cars, equipment, structures, or other property."



Mr. John Campbell
Case No. 386.04
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Charge 3: Your alleged violation of **General Code of Operating Rules-Fourth Edition - April 2, 2000--Rule 1.47 - Duties of Trainmen and Enginemien, Item D Other Crew Members' Responsibilities; Part 1.** "To ensure the train is operated safely and rules are observed, other crew members must assume as much responsibility as possible to prevent accidents or rule violations."

✓**Charge 4:** Your alleged violation of **General Code of Operating Rules-Fourth Edition - April 2, 2000--Rule 7.4 - Precautions for Coupling or Moving Cars or Engines,** which reads in part... "Before coupling to or moving cars or engines, verify that the cars or engines are properly secured and can be coupled and moved safely."

Charge 5: Your alleged violation of **Amtrak Air Brake and Train Handling Rules and Instructions, AMT-3 - Revised and Reissued August 19, 2002- Rule 2.14.16:** ✓which reads... "Multiple lite locomotives may be moved within the confines of a yard or terminal without connecting the M. U. hoses, as long as the brake pipe and main reservoir hoses are connected with associated angle and main reservoir cocks open. "

Specification: It is alleged that on July 24, 2004 while assigned to position CYO103 working as the Conductor in the Oakland Diesel Shop you cut out the brakes on a locomotive and failed to properly secure it prior to coupling.

You may produce any witnesses you desire and may be accompanied by a representative as provided in you current and governing agreement, without expense to the National Railroad Passenger Corporation.

All requests for postponements of this investigation must be handled through the Hearing Office at (213) 683-6969.

Sincerely,

Tim Sheridan
Trainmaster - San Joaquins
Charging Officer

cc: S. E. Shelton - Acting Superintendent - Bay District
P. Preusser - Assistant Superintendent - Bay District
E. Friend - Company Witness
D. West - Company Witness
R. Ford - Witness
R. Wood - Labor Relations
P. Gallagher - Hearing Office
R. Gruber - UTU Local Chairman

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